



DEXCOM.8DVCP2

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : Shults, et al.
Appl. No. : 09/916,858
Filed : July 27, 2001
For : DEVICE AND METHOD FOR
DETERMINING ANALYTE
LEVELS
Examiner : Nasser, R.
Group Art Unit : 3736

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 18, 2004

(Date)

Rose M. Thiessen, Reg. No. 40,202

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, DexCom, Inc. ("Assignee"), by virtue of a Power of Attorney executed on October 21, 2002, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned U.S. Patent No. 6,001,067.

Assignee represents that it is the owner of a 100 percent interest in the above-identified application, by virtue of an assignment from Mark C. Shults, Rathbun K. Rhodes, Mark. A. Tapsak, Stuart J. Updike, and Barbara J. Gilligan to DexCom, Inc. recorded at Reel No. 012526, Frame No. 0574 by the Assignment Branch of the Patent and Trademark Office.

Assignee represents that it is the owner of a 100 percent interest in U.S. Patent No. 6,001,067, by virtue of an assignment from Mark C. Shults, Stuart J. Updike, and Rathbun K. Rhodes to Markwell Medical Institute, Inc. recorded at Reel No. 010710, Frame No. 0204 by the

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Assignment Branch of the Patent and Trademark Office, and an assignment from Markwell Medical Institute, Inc. to DexCom, Inc. recorded at Reel No. 011887, Frame No. 0546 by the Assignment Branch of the Patent and Trademark Office.

The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,001,067, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 6,001,067 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,001,067, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$55 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 18, 2004

By: 

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